

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

v.

[1] AILEENE M. MUDAFORT-FERNÁNDEZ,

[2] MUDAFORT XTREME SPORTS &
MOTORSPORTS INC.

Defendants.

Criminal No. 22-553 (DRD)

UNITED STATES' MOTION REQUESTING CLARIFICATION

The United States of America, by and through the undersigned attorneys, respectfully requests that the Court clarify the conditions of release for Defendant [2] Mudafort Xtreme Sports & Motorsports Inc. Further, the United States of America respectfully requests that the Court clarify whether a waiver shall be filed regarding any potential conflict of interests with co-defendant representation. For the reasons set forth below, this Court should grant the relief requested.

On December 22, 2022, a grand jury returned a federal indictment against defendants [1] Aileene M. Mudafort-Fernández and [2] Mudafort Xtreme Sports & Motorsports Inc. ECF No. 3. The arrest warrants were executed on December 29, 2022, and on that same date, the Court scheduled an initial appearance, arraignment, and detention as to defendant [1] Mudafort-Fernández. ECF No. 7. Following that hearing, the Court set conditions of release as to defendant [1] Mudafort-Fernández, but did not set any conditions of release as to defendant [2] Mudafort Xtreme Sports & Motorsports Inc. *See* ECF No. 8.

Defendant [2] Mudafort Xtreme Sports & Motorsports Inc. is a corporation that is primarily in the business of selling firearms, ammunition, and firearm accessories. However, defendant [2] Mudafort Xtreme Sports & Motorsports Inc. is currently under indictment. As such, as a part of its conditions of release, defendant [2] Mudafort Xtreme Sports & Motorsports Inc. may be prohibited from *receiving* any *additional* firearms or ammunition which have been shipped or transported in interstate or foreign commerce that are not already in its possession. *See* 18 U.S.C. § 922(n). (Emphasis added).

Moreover, on December 29, 2022, Attorney Luis R. Rivera-Rodríguez entered a notice of appearance for defendants [1] Aileene M. Mudafort-Fernández and [2] Mudafort Xtreme Sports & Motorsports Inc. While the Government has no objections to co-defendants sharing representation, the Government would like to address whether a waiver shall be filed regarding any potential conflict of interests at this stage of the proceedings.

Accordingly, to avoid any confusion regarding conditions of release or co-defendant representation, the United States respectfully requests that the Court enter an order clarifying these two matters.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 18th day of January 2023.

W. Stephen Muldrow
United States Attorney

s/ Linet Suárez

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the date above, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/Linet Suárez

Linet Suárez

Assistant United States Attorney